UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/553,469	10/17/2005	Tatsuya Fujii	279586US90PCT	8939

22850 7590 11/13/2008

OBLON, SPIVAK, MCCLELLAND MAIER & NEUSTADT, P.C.
1940 DUKE STREET
ALEXANDRIA, VA 22314

EXAMINER	
FITZPATRICK, ATIBA O	

ART UNIT	PAPER NUMBER
2624	

NOTIFICATION DATE	DELIVERY MODE
11/13/2008	ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

patentdocket@oblon.com
oblonpat@oblon.com
jgardner@oblon.com

Office Action Summary	Application No.	Applicant(s)	
	10/553,469	FUJII ET AL.	
	Examiner	Art Unit	
	ATIBA O. FITZPATRICK	2624	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE *3* MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *20 October 2008*.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-31* is/are pending in the application.

4a) Of the above claim(s) *1,3,8,10,17-26,28,29 and 31* is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *2, 4-7, 9, 12, 13-16, 27, and 30* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☒ All b)☐ Some * c)☐ None of:

1.☒ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☒ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date *04/11/2007, 01/24/2007, 01/13/2006*.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

DETAILED ACTION

Response to Arguments

In response to the election requirement dated September 23, 2008, Applicants elect, without traverse, Group II, Claims 2, 4-7, 9, 12, 13-16, 27, and 30, for examination on the merits.

Claim Objections

Claims 4-7 and 13-16 are objected to because these claims depend from non-elected claims. Appropriate correction is required.

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

> The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claim 4-7 and 13-16 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Claims 4-6 and 13-15 include the limitation “successively select one”, but this makes no sense. This limitation only makes sense if the “one” item being selected is iteratively input into the system and the selection is iterative such that a selection action occurs with each iteration. However, the claim does not state this. Claims 7 and 16 use the limitation “beforehand”, but do not state what the encoding operation occurs before.

Claim Rejections - 35 USC § 101

35 U.S.C. 101 reads as follows:

> Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

Claim 27 is rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter. Claim 27 includes the limitation "program run on a computer for controlling the computer". Note that a program does not fall into any statutory category and must be claimed as stored on a tangible computer- readable medium as in claim 30. Note that “run on a computer for controlling the computer” constitutes an intended use and is not given patentable weight.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

Claims 2, 4-7, 9, 12, 13-16, 27, and 30 are rejected under 35 U.S.C. 103(a) as being unpatentable over USPN 6425081 (Iwamura) in view of Dimitris THANOS, "COiN-Video: A Model for the Commercialization of Video Streams Over Open Networks", Trusted Objects, Technical Report, XP-002422834, July 1999, pages 25-33 (Thanos).

As per claim 2, Iwamura teaches a digital watermark-containing moving image transmission system, comprising **(Limitations present only within the preamble are not given patentable weight)**

at least one image server that includes moving image **(Iwamura: col 1, lines 7-17: "in particular to an electronic watermark technique for protecting a copyright for digital information, such as moving picture data": Note that all features of this invention is understood to pertain to "moving picture data" as stated in the excerpt)** input means for inputting one type of moving image data **(Iwamura: Figs. 4, 5, 13-20: 10, "server")**;

watermark-containing data generating means for embedding a plurality of differing sets of digital watermark information into the input moving image data, and encoding the created watermark-containing moving image data series **(Iwamura: Figs. 4, 5, 13-20: 10, 11-13, 21 and 24; col 24, lines 50-63: col 22, lines 50-60: multiple watermarks; col 8, line 40 – col 9, line 40; col 9, line 55 – col 10, line 55; col 11, lines 5-50)**;

ID information adding means for generating a new moving image data series from the watermark-containing moving image data series based on addition ID information including coded information corresponding to at least one of **(Note that only one of the following is required)** moving image identification information, time/date information, and user information **(Iwamura: Figs. 4, 5, 13-20: 15, 16, 22, 25, 27; col 8, line 40 – col 9, line 40; col 9, line 55 – col 10, line 55; col 11, lines 5-50)**;

and moving image delivering means for delivering the moving image data series generated by the ID information adding means to a network **(Iwamura: Figs. 4, 5, 13-20; col 8, line 40 – col 9, line 40; col 9, line 55 – col 10, line 55; col 11, lines 5-50)**; at least one terminal that includes reproducing means for decoding and displaying **(Iwamura: Fig. 8: col 23, lines 10-19: It is stated that the image is displayed/viewed. It is obvious that the user who acquires/purchases the image will view it at the user terminal.)** the moving image data series generated by the ID information adding means **(Iwamura: Figs. 4, 5, 13-20: 10 and 20)**; and an addition ID detecting apparatus for the moving image data series displayed by the terminal **(Iwamura: Fig. 8: col 23, lines 10-19: It is stated that the image is displayed/viewed. It is obvious that the user who acquires/purchases the image will view it at the user terminal.)** that detects the addition ID information using a digital watermark detecting circuit **(Iwamura: Figs. 4, 5, 13-20: 16, 25, 27, 30; col 18, line 50 – col 19, line 45)**.

Iwamura does not teach creating a plurality of watermark-containing moving image data series; and an addition ID detecting apparatus that divides the moving image data series into a plurality of regions, and detects the addition ID information for each of the divided regions using a digital watermark detecting circuit.

Thanos teaches creating a plurality of watermark-containing moving image data series; and an addition ID detecting apparatus that divides the moving image data series into a

plurality of regions, and detects the addition ID information for each of the divided regions using a digital watermark detecting circuit **(Thanos: pages 29-33)**.

Thus, it would have been obvious for one of ordinary skill in the art at the time the invention was made to implement the teachings of Thanos into Iwamura since Iwamura suggests a watermark and ID appending system for moving picture data that is transmitted to user(s) in general and Thanos suggests the beneficial use of a watermark and ID appending system for moving picture data that is transmitted to user(s) wherein the watermark and id are added to a plurality of regions as to "provide each customer with a unique video stream which can be identified in case of piracy" (Thanos: page 29) in the analogous art of image processing. Furthermore, one of ordinary skill in the art at the time the invention was made could have combined the elements as claimed by known methods and, in combination, each component functions the same as it does separately. One of ordinary skill in the art at the time the invention was made would have recognized that the results of the combination would be predictable.

As per claim 4, Iwamura teaches in view of Thanos teaches the digital watermark-containing moving image transmission system as claimed in any one of claims 1 through 3. Iwamura does not teach the ID information adding means is configured to successively select one from a plurality of image frames of the plural moving image data series based on the addition ID information and output the successively selected image frames as the new moving image data series

Thanos teaches the ID information adding means is configured to successively select one from a plurality of image frames of the plural moving image data series based on the addition ID information and output the successively selected image frames as the new moving image data series **(Thanos: pages 29-33)**.

As per claim 5, Iwamura teaches in view of Thanos teaches the digital watermark-containing moving image transmission system as claimed in any one of claims 1 through 3.

Iwamura does not teach the ID information adding means is configured to successively select one group from a plurality of groups of image frames of the plural moving image data series based on the addition ID information and output the successively selected group of image frames as the new moving image data series.

Thanos teaches the ID information adding means is configured to successively select one group from a plurality of groups of image frames of the plural moving image data series based on the addition ID information and output the successively selected group of image frames as the new moving image data series **(Thanos: pages 29-33)**.

As per claim 6, Iwamura teaches in view of Thanos teaches the digital watermark-containing moving image transmission system as claimed in any one of claims 1 through 3.

Iwamura does not teach each of a plurality of image frames of the plural moving image data series is spatially divided into a plurality of regions, and a plurality of divided region moving image data series are generated for each of the divided regions; and the ID information adding means is configured to successively select one from a plurality of divided region image frames of the plural divided region moving image data series corresponding to one of the divided regions based on the addition ID information, compose the successively selected divided region image frames corresponding to said one of the divided regions with successively selected divided region image frames corresponding to another one of the divided regions, and output the composed divided region image frames as the new moving image data series.

Thanos teaches each of a plurality of image frames of the plural moving image data series is spatially divided into a plurality of regions, and a plurality of divided region moving image data series are generated for each of the divided regions; and the ID information adding means is configured to successively select one from a plurality of divided region image frames of the plural divided region moving image data series corresponding to one of the divided regions based on the addition ID information, compose the successively selected divided region image frames corresponding to said one of the divided regions with successively selected divided region image frames corresponding to another one of the divided regions, and output the composed divided region image frames as the new moving image data series.

As per claim 7, Iwamura teaches in view of Thanos teaches the digital watermark-containing moving image transmission system as claimed in any one of claims 4 through 6, further comprising **(Limitations present only within the preamble are not given patentable weight)**: means for performing redundant encoding on the addition ID information beforehand **(Iwamura: col 18, lines 1-15)**.

Arguments made in rejecting claims 9, 12, 27, and 30 are analogous to arguments for rejecting claim 2. Note that limitations present only within the preamble are not given patentable weight.

Arguments made in rejecting claims 13-16 are analogous to arguments for rejecting claims 4-7 respectively. Note that limitations present only within the preamble are not given patentable weight.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Atiba Fitzpatrick whose telephone number is (571) 270-5255. The examiner can normally be reached on M-F 10:00am-6pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Samir Ahmed can be reached on (571)272-7413. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Atiba Fitzpatrick

Patent Examiner

/Samir A. Ahmed/
Supervisory Patent Examiner, Art Unit 2624